

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., et al.,) Chapter 11
)
 Debtors.) (Jointly Administered)
)

**JOINT STIPULATION REQUESTING MODIFICATION
OF DISCOVERY SCHEDULING ORDER**

Claimants Roy Eisner and Joanne Eisner (GUC Claim Nos. 3025 and 3825) (collectively, the “Claimants”) and defendant Alfred H. Siegel (“Trustee”), solely in capacity as Trustee of the Circuit City Stores, Inc. Liquidating Trust (“Trust”), by and through their undersigned counsel, hereby stipulate and jointly request the following modifications to the Discovery Scheduling Order entered by this Court on September 25, 2014 [Docket No. 13437] (“Discovery Order”):

WHEREAS, pursuant to the Discovery Order, since September of 2014 the Claimants and the Trust have been engaged in discovery;

WHEREAS, a dispute developed concerning expert disclosures and the Trust filed a Motion for Order to Strike Certain of Claimant Roy Eisner’s Expert Disclosures Pursuant to Rule 37 on April 8, 2015 [Docket Nos. 13642-44] and the Claimants filed Motion to Strike Expert Disclosures Pursuant to Rule 37 on April 16, 2015 [Docket Nos. 13652-54];

WHEREAS, the Claimants and Trust have conferred and agreed to withdraw their respective motions without prejudice, reserve all of their respective rights and positions with

respect to such motions and to jointly request this Court to extend the deadlines for expert disclosures and depositions set forth in the Discovery Order;

NOW, therefore, the parties stipulate and agree as follows:

1. Claimants will serve upon the Trust an expert report from Dr. Norman Stempler that satisfies the requirements set forth in Rule 26(a)(2)(B) and Rule 26(a)(2)(C) of the Federal Rules of Civil Procedure (made applicable to this matter pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure) within 21 days of the entry of this Modified Order;
2. Claimants will serve upon the Trust an expert disclosure from Dr. Kenneth Morris and an expert disclosure from Dr. Rodger Caine that satisfy the requirements set forth in Rule 26(a)(2)(C) of the Federal Rules of Civil Procedure (made applicable to this matter pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure) within 21 days of the entry of this Modified Order;
3. Within 21 days after the deadline for the Claimants to serve the expert report and disclosures set forth in Paragraphs 1 and 2 above, the Trust, at its discretion, may supplements its expert reports originally served on March 23, 2015;
4. Within 21 days after the deadline for the Trust to supplement, the Claimants, at their discretion, may serve expert reports authored by H. Gary Broughton, Dr. Norman Stempler, Dr. Brad Shamis, Dr. Kenneth Morris and/or Dr. Rodger Caine that solely rebut the Trust's expert reports dated March 23, 2015 and any supplements thereto;
5. Thereafter, the Claimants and the Trust may take expert depositions that are to be completed within 30 days of the deadline for the Claimants to serve rebuttals, if any, to the Trust's expert reports and supplements;
6. All other provisions of the Discovery Order are unchanged; and
7. Failure to comply with this Modified Order shall result in appropriate sanctions.

STIPULATED AND AGREED

Dated: Richmond, Virginia
April 23, 2015

DURRETTE CRUMP PLC

/s/ Kevin J. Funk

By: Counsel
Kevin J. Funk, Esq. (VSB No. 65465)
Bank of America Center, 16th Floor
1111 East Main Street
Richmond, VA 23219
Telephone: (804) 775-6900

Counsel for Claimants Roy and Joanne Eisner

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner

By: Counsel
Lynn L. Tavenner, Esq. (Va. Bar No. 30083)
Paula S. Beran, Esq. (Va. Bar No. 34679)
20 North Eighth Street, Second Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300

- and -

KELLEY DRYE & WARREN LLP
Nicholas J. Panarella, Esq.
Martin A. Krolewski, Esq.
(admitted *pro hac vice*)
101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800

Counsel for Circuit City Stores, Inc. Liquidating Trust

SO ORDERED: May 7 2015

/s/ Kevin R. Huennekens

UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: 5/7/15